

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 915
Tuesday, July 26, 2005, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Chair
Henke, Secretary
Paddock, Vice Chair
Stead
Stephens

**MEMBERS
ABSENT**

**STAFF
PRESENT**
Alberty
Butler

**OTHERS
PRESENT**
Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, July 21, 2005, at 2:37 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Dunham called the meeting to order at 1:00 p.m.

Mr. Alberty read the rules and procedures for the Board of Adjustment Public Hearing.

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20084

Action Requested:

Special Exception to allow a manufactured home in an RS-3 zoned district - Section 401; and a Special Exception to allow the manufactured home permanently - Section 404.E, located: 1387 East 54th Street North.

Presentation:

Mr. Alberty informed the Board that staff requested a continuance due to improper advertising, no fault to the applicant.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stephens, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20084 to the meeting on August 9, 2005.

N/2 LT 7 BLK 4, GRIMES HGTS, GRIMES HGTS 2ND, City of Tulsa, Tulsa County, State of Oklahoma

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MINUTES

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stead, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of June 28, 2005 (No. 913).

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UNFINISHED BUSINESS

Case No. 20062

Action Requested:

Approval of an amendment to an approved site plan, located: 6410 South Yorktown Avenue.

Mr. Albery reminded the Board this case was approved pending lighting and landscaping information.

Presentation:

Steve Holloway, 2825 East 56th Place, stated on June 28, 2005, they requested an exception to the use of property that has been used by the Tulsa Parks Department in the Graham-Mason Baseball Field. They proposed to modify the lease contract, to use part of the land the Parks Department had not actually used. The Parks Department was in agreement. The school followed the conditions of approval from the Board of Adjustment. They scheduled a meeting with the neighborhood residents to discuss the lighting, security and landscaping for the new building. There were two meetings, on June 30, 2005 and July 7, 2005 at the school. Mrs. Early was the only resident in attendance at the first meeting. They explained the need for the building to be located where they planned. They discussed the height of the building and the exterior appearance. She was comfortable with the new information. They agreed upon lighting on the full perimeter and on the north side they would have dusk to dawn lighting. Some of the neighbors indicated they did not know about the first meeting on June 30th, so they scheduled another meeting for July 7, 2005. Four neighbors attended that meeting. They covered the same subjects and the neighbors agreed to the lighting and the removal of one scrub tree, and other landscaping plans. The school agreed to cover this area during their security walk-about. The school also agreed to place trash receptacles around the new building and park area. They discussed helping the traffic flow by opening an entrance to Metro-Christian from 63rd Street. The school was willing to consider it if they could raise enough funds.

He submitted a document of agreement with the neighborhood residents (Exhibit A-1) and a memo from Ms. Showman (Exhibit A-2).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Paddock**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stead, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** an amendment to an approved site plan, per the memo dated, July 8, 2005 from Mr. Holloway and signed by Mr. Early and an email from Carla Showman, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

PRT SW NE BEG 305S NWC SW NE TH E585.03 S580 W585.05 N580 POB SEC 6 18 13 7.79AC, PRT SW NE BEG 350S & 585.03E NWC SW NE TH E555.03S580 W555.03 N580 POB SEC 6 18 13 7.39ACS, COLLEGIATE SQUARE, SOUTHERN HILLS VIEW B5-6, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20068

Action Requested:

Variance of the required 50 ft setback from the center of the street to 40 ft for the construction of a new dwelling Section 403, 1860 East 17th Street South.

Presentation:

Rob Baumgarten, 3926, East 51st Place, submitted the Certificate of Appropriateness, petition, floor plans, site plan, and plot plan, per request of the Board (Exhibits B-1 through B-5). He stated he still needs the variance he requested.

Interested Parties:

Patrick Fox, Tulsa Preservation Commission, 111 South Greenwood, Suite 200, confirmed the applicant has received the Certificate of Appropriateness.

Greg Jennings, 2260 South Troost Avenue, stated the hardship is self-imposed because the house was built where it did not belong. He expressed surprise that the TPC approved the C of A. He noted the discrepancy of the neighborhood association decision to oppose a parking lot without the same setbacks as the other houses but would agree to this application.

Applicant's Rebuttal:

Mr. Baumgarten expressed his regret about this mistake. He added he went through all the proper channels with the neighborhood and the Historic Preservation Commission.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stephens, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of the required 50 ft setback from the center of the street to 40 ft for the construction of a new dwelling (Section 403), finding lack of a hardship and it would not be harmonious with the neighborhood, on the following described property:

W 20 LT 4 E 25 LT 5 BLK 2, WEAVER ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 20078

Action Requested:

Special exception to allow a school (pre-school/child development center) Use Unit 5 in an RM-2 zoned district, located: 2511 East 5th Place.

Presentation:

Whit Todd, 5175 East 27th Place, architect for the project, met with the neighborhood association (Exhibit C-3). The zoning code requires sixty-one spaces for the school. There is a Tulsa Public School parking lot to the west of the existing site with forty-eight spaces. The new configuration of the site plan (Exhibit C-1) will provide a sum total of 121 spaces.

Interested Parties:

Eleanor Boddhamer, 120 North Birmingham, stated she is a member of the Board of the neighborhood association. She supports the application and found support of the task force and neighborhood.

Comments and Questions:

In response to questions, Mr. Todd stated the existing playground equipment would not be fenced off from public use. He added there would be a two-foot berm along Atlanta between the sidewalk and parking with a four-foot tall decorative steel fence on top of that; and on 5th Place there will be a two-foot berm and a two-foot tall fence. Mr. Todd indicated the parking lot lighting would be directed down and away from the neighborhood.

Board Action:

On **Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stephens, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a school (pre-school/child development center) Use Unit 5 in an RM-2 zoned district, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, per plan submitted today, on the following described property:

TRACT OF LAND IN BLK 4 & 5 OF AMENDED PLAT OF COLLEGE VIEW ADDITION; CITY OF TULSA, TULSA COUNTY, OKLAHOMA DESCRIBED AS: BEG SW/C BLK 5; TH N 89° 40 MIN 28 SEC E 387.42 FT ALONG S LINE OF BLK 5; TH N 00° 31 MIN 03 SEC W 249.88 FT; TH N 27° 36 MIN 18 SEC W 215.39 FT; TH N 42° 58 MIN 56 SEC E 66.09 FT; TH S 89° 57 MIN 58 SEC W 330.70 FT TO PT ON W LN OF BLK 4; TH S 00° 02 MIN 02 SEC E 491.10 FT ALONG W LN TO POB

Case No. 20079

Action Requested:

Special Exception to allow Use Unit 19 (enclosed commercial recreation establishment) in an IL zoned district - Section 901 and a variance of the required parking spaces for the facility from 66 spaces to 38 spaces - Section 1219.D, located: 13655 East 61st Street South.

Presentation:

Larry Templeton, 2216 North Heather Cove, Fayetteville, Arkansas, described an indoor children's and teen's party facility. It would have two arenas with large inflatable games. It would be mostly private parties by reservation. He added that all customer traffic would be to the front of the facility. There would be no heavy truck traffic through customer parking. The days and hours of operation are 9:00 a.m. to 10:00 p.m. The busiest times are Fridays from 4:00 p.m. to 9:00 or 10:00 p.m., all day Saturday 9:00 a.m. to 9:00 p.m. and Sunday afternoons.

Comments and Questions:

He responded to questions from the Board that there is no food or beverage preparation on site. He expected the maximum number of employees on the job at one time to be eight. The facility is geared toward children two years and up.

Interested Parties:

There were no interested parties who wished to speak.

The Board members commented on the outdoor storage next door as a potential safety issue; and the peak parking times would be when other businesses are closed.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stephens, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow Use Unit 19 (enclosed commercial recreation establishment) in an IL zoned district - Section 901, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stephens, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** and a **Variance** of the required parking spaces for the facility from 66 spaces to 38 spaces - Section 1219.D, finding the literal enforcement of the code would result in an unnecessary hardship with respect to this building; the conditions and circumstances do not apply generally to other properties within the same district; finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

LT 4 BLK 1, FORD MOTOR CO TULSA GLASS PLANT, METRO PARK EAST, HENSHAW INDUSTRIAL PARK, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20080

Action Requested:

Special Exception to permit church and church accessory uses including a broadcast studio in an IL zoned district, located: 6650 East 44th Street South.

Presentation:

Donald Williams, 1273 Forrest Lane, Catoosa, Oklahoma, represented Fisherman's House Church. The broadcast facility has existed there for many years, the former Cox Communication building. The cables, fiber-optics and studio are already in place. They plan to renovate for a sanctuary that will seat 392 people maximum. Meetings would be held on Sunday mornings and Friday evenings normally. There is plenty of parking extending east, west and north.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stephens, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit church and church accessory uses including a broadcast studio in an IL zoned district, finding it will be in harmony with the spirit and intent

of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LTS-52-THRU-57-INCL. BLK-1, KATY FREEWAY INDUSTRIAL PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20082

Action Requested:

Variance of the required number of parking spaces for a retail center in a CS zoned district from 190 to 144, located: 12920 East 31st Street South.

Presentation:

Lou Reynolds, 2727 East 21st Street, represented Mike Little, the applicant. They have room for 156 parking spaces according to a parking survey (Exhibit D-1). During a ten-day parking study there were no more than 33 parking spaces used at any one time. They applied for a Zoning Clearance Permit because of the change of use and they were told they needed 196 spaces.

Interested Parties:

Greg Jennings, 2260 South Troost, referring to a comment by Mr. Reynolds, considered it contrary to ask for less parking spaces and indicate that no one walks, except to their car. He stated he did not think the Board should deny the case.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stephens, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required number of parking spaces for a retail center in a CS zoned district from 190 to 156 spaces, finding that by reason of the extraordinary and exceptional circumstances peculiar to the land, the literal enforcement of the parking requirement would result in an unnecessary hardship and such conditions do not apply generally to the other properties in the same area; the demand created by the diminished parking spaces is still adequate; and finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

PRT LT 1 & PRT LT 2 BLK 1 BRIARGLEN MINI STORAGE BEG 475N SWC BRIARGLEN MINI STORAGE TH E525 S5 E64.87 N230 W389.87 S200 W200 S25 POB LESS BEG MOST WNWC LT 1 TH S25 E8 N25 W8 POB BLK 1, PRT LT 1 BLK 1 & PRT LT 1 BLK 2 BEG 100N NWC BRIARGLEN MINI STORAGE TH N225 E525 S5 W35 CRV LF 39.27 S85.78 SW154.47 W355 POB LESS BEG 25S MOST W NWCLT 1 BLK 1 TH S58 E8 N58 W8 POB FOR ST, BRIARGLEN MINI STORAGE RESUB L1B1 & L1B2 BRIARGLEN PLAZA ADD, BRIARGLEN PLAZA ADDN, BRIARGLEN SOUTH A REPLAT OF PRT BRIARGLEN PLAZA ADDN, SUNRAY HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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There being no further business, the meeting was adjourned at 2:20 p.m.

Date approved: _____

Chair